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*Via ECF*

June 8, 2017

The Honorable Alison J. Nathan  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10017

***Re: United States v. Yuri Lebedev, et al., 15-CR-769 (AJN)***

Dear Judge Nathan:

I am writing to respectfully request an adjournment of Yuri Lebedev's sentencing date from July 20, 2017, to a date in September 2017, other than September 20 through 22 and September 29, that is convenient to the Court. The government opposes this motion. The attorneys for Trevon Gross do not oppose this motion.

There are two principal reasons for this request. *First*, the Probation Department has calculated Mr. Lebedev's sentencing guidelines at a level of 108-135 months. For its part, the government has suggested to us in recent correspondence that its Guidelines calculation for Mr. Lebedev is even more severe than that of the Probation Department. We not only disagree with the Probation Department's calculation of the applicable Guidelines, but its summary of the offense conduct. Given the lengthy trial transcript and relevant exhibits, we intend to prepare a comprehensive submission, using the evidence at trial, to address and correct the Probation Department's summary, as well as to present the mitigating circumstances of Mr. Lebedev's conduct. Although we understand that the Court, in sentencing Mr. Lebedev, must accept the guilty verdict returned by the jury, we do not believe that it follows that the Court must accept all the inferences and conclusions from the evidence that the Probation Department, and presumably the government, urges. Thus, we expect to prepare a comprehensive sentencing submission in this manner that will serve to fully address the appropriate calculation of the Guidelines range and the mitigating circumstances concerning the offense conduct for which Mr. Lebedev was found guilty, as well as personal and family circumstances, which, when considered in full,

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warrant a substantial variance from the sentencing guidelines range to achieve the goals of sentencing under 18 U.S.C. §3553(a).

This is not a task, however, that can easily be accomplished under the existing deadlines, especially when we have other substantial commitments. The trial in this case lasted four to five weeks, during which our firm's caseload was held at a standstill. Our schedule for the next several months includes, among other things, two substantial appeals, a habeas motion, and preparation for a trial scheduled for October before Judge Gardephe. We believe that given the voluminous record at trial, and the need to prepare the most effective sentencing presentation to the Court (as well as Probation), we would greatly benefit from an additional six to eight weeks. Not only will the additional time enable us to provide the best advocacy possible for Mr. Lebedev, but we submit that the Court will benefit from a clear and thorough presentation of the facts that we believe warrant a substantially more lenient sentence than that the government will ask this Court to impose.

The second reason for our request is to enable Mr. Lebedev to accomplish some very important goals before he is sentenced. As an initial matter, about two months ago, Mr. Lebedev obtained employment as a programmer. We understand that his employer has been very pleased with his performance. It is Mr. Lebedev's hope that even an extra two months will enable him, by far the principal breadwinner in the house, to be able to earn additional money to support his wife and three young children. Just as important, the additional time will enable him to prove his worth to his current employer, so that no matter what the outcome is at sentencing, he hopefully will have a concrete opportunity to continue to earn a living.

Furthermore, Mr. Lebedev has been enrolled in courses with the goal of obtaining his PhD in computer science. As the Court is aware, Mr. Lebedev already has a PhD in mathematics, and master's degrees in computer science and in physics. While Mr. Lebedev just began his dissertation, and will not be able to complete the necessary steps to achieve his PhD in computer science before sentencing, he is currently enrolled in courses and he would like to accomplish as much as he can in pursuit of his studies before sentencing, which can only benefit Mr. Lebedev and his family, no matter what the outcome at sentencing. Mr. Lebedev's commitment to his studies is sincere and resolute. Indeed, notwithstanding the tremendous stress he was under at trial, Mr. Lebedev spent time at the defense table working on equations and studying for tests. Remarkably, on his final exam, which he took in Jacksonville during a break in the trial, he achieved an A-.

The government would agree to a modest extension of the sentencing date, but would oppose any sentencing date after July 2017. With all due respect to the government's position, we do not see how the government will be prejudiced by an adjournment of six to eight weeks. On the other hand, the requested adjournment would greatly benefit Mr. Lebedev, his family, and the quality of our submissions, so that we can present Mr. Lebedev's sentencing case in the most persuasive fashion possible.

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Accordingly, we request that the Court grant Mr. Lebedev's request for an adjournment of his sentencing date to a date in September 2017 that is convenient to the Court, other than September 20-22, and September 29.

We thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Eric M. Creizman  
Eric M. Creizman (EC 7684)

cc: All counsel (by ECF)